RODERICK R.C. SALAZAR III
MYLENE T. MARCIA-CREENCIA
MA. CARMEN D. BABISTA-LAZARO
KARL ARIAN A. CASTILLO
WALTER ROBIN C. GO
PRINCESS ANN T. DE JESUS-VIRAY
SHEILA C. SISON
KRISTINE R. FERRER
MATTHEW AARON D. ONG

CARLO JOAQUIN T. NARVASA
JUSTIN NICOL B. GULAR
FRITZ PAOLO V. CASAMA
DAVID RONELL M. GOLLA VII
LINDON MIGUEL C. BACQUEL

KAROL GRACE G. OROCEO
JOAQUIN GABRIEL B. FLORES
JUAN CARLO L. SANTOS
KATRINA CRISTA M. ARTIAGA
MARIA SELENA GOLDA R. FORTUN
CLARLAINE F. RADOC
FRANCESCA MARIE V. FLORES
ALLAN JULIAN V. ANTENOR
MIGUEL CARLOS A. FERNANDEZ
NATHAN RAPHAEL D. AGUSTIN
NOEL C. SORIANO II
HANS CLARENCE S. CASTRO

Of Counsel
PHILIP SIGFRID A. FORTUN
GREGORIO Y. NARVASA II

Special Counsel
BAYANI B. LOSTE
RANDOLPH C. SALAZAR
WILBERT L. TAN

ANDRES R. NARVASA †
Chief Justice, Supreme Court
(1991-1998)
Of Counsel

GLORIA A. FORTUN †
(1999-2018)
Special Counsel

MAKATI
23F, Multinational
Bancorporation Centre
6805 Ayala Avenue
Makati City 1226 Philippines
MAILING ADDRESS
MCPO Box 2697
Makati City 1200 Philippines
E-MAIL info@fnslaw.com.ph
WEBSITE www.fnslaw.com.ph
TELEPHONE +63 (2) 8812.8670

CHINA
Fortun Narvasa & Salazar
(H.K.) Services Limited
16F, Unit C-2, United Centre
95 Queensway, Hong Kong, China
EMAIL recsalazar@fnslaw.com.ph
TELEPHONE +(852) 2520.1976
TELEFACSIMILE +(852) 2865.5790

35 YEARS OF LEGAL FINESSE
FORTUN NARVASA SALAZAR

HOUSE OF REPRESENTATIVES
COMMITTEE ON JUSTICE
RECEIVED
By: Maggi
Date: 3/24/2026
Time: 3:25 pm

ANNEX 2
FORTUN NARVASA & SALAZAR

FORTUN NARVASA SALAZAR

March 24, 2026

Rep. Gerville "Jinky Bitrics" R. Luistro
Chairperson
Committee on Justice
House of Representatives
2nd Floor, People's Center Building
House of Representatives, Quezon City

Dear Rep. Luistro:

We note the information in your Letter dated March 19, 2026[1] that the Committee on Justice[2] will conduct its initial hearing on the impeachment complaints against our client, Vice President Sara Z. Duterte, on March 25, 2026. The copy of the Agenda attached to your Letter indicates that apart from the initial hearing on the impeachment complaints, the Committee will also discuss the impeachment hearing ground rules, and act on pending motions and/or requests for Subpoena and determination of supposed "resource speakers/witnesses" for the first hearing on April 14, 2026, among others.

We further note the Letters[3] sent to the Committee and the House of Representatives thru the Speaker, respectively containing motions that principally request for *subpoena duces tecum* of purported evidence and adequate protection of Mr. Ramil L. Madriaga.

Under these circumstances, and considering the public statements made by the Chairperson, it appears that the Committee intends to conduct a trial. However, with due respect, the Constitution vests the authority and power to conduct trial **solely** in the Senate. This is clear and explicit in Section 3(6), Article XI of the Constitution:

> **The Senate shall have the sole power to try and decide all cases of impeachment.** When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.[4] (emphasis supplied)

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[1] Received thru email on March 19, 2026; hereafter, "Letter"
[2] Hereafter, "Committee"
[3] Letters dated March 5, 2026 and March 17, 2026 of Rep. Jose Manuel Tadeo I. "Chel" Diokno to the Chairperson of the Committee on Justice and the House of Representatives thru its Speaker, Rep. Faustino "Bojie" De Guzman Dy III
[4] Section 3(6), Article XI, 1987 Philippine Constitution

The Constitution is thus clear: it is only the Senate that can conduct trial in all cases of impeachment. While Section 3(2), Article XI allows the committee to conduct a hearing for purposes of submitting its report to the House of Representatives within sixty session days from referral, the same does not give the Committee any power or jurisdiction to conduct any form of trial – whether *mini* or full-blown – much less, receive and try any evidence.

While Section 7 of the Rules of Procedure in Impeachment Proceedings of the 19th Congress, House of Representatives (HOR) adopted by the current Congress indeed appears to grant the Committee the authority to conduct a hearing, the same cannot go beyond what the Constitution allows. Thus, any portion of said Rules suggesting that the Committee may conduct a "mini trial", in effect, encroaches on a power that does not constitutionally belong to the HOR.

That impeachment Rules must be compliant with the Constitution is made clear in Francisco vs. House of Representatives[5] wherein the Supreme Court declared Sections 16 and 17 of Rule V of the Rules of Impeachment Proceedings adopted by the then-12th Congress unconstitutional. In doing so, the Supreme Court aptly reminded:

> **It is basic that all rules must not contravene the Constitution which is the fundamental law.** If as alleged Congress had absolute rule making power, then it would by necessary implication have the power to alter or amend the meaning of the Constitution without need of referendum.[6] (emphasis supplied, underscoring retained)

In light of these, while the invitation for the respondent and counsel to participate in the Committee's *mini trial* is well-noted, we cannot, however, do so at this point on the ground that the Committee and/or the HOR, as well as any of its members, lack jurisdiction to conduct any form of trial or exercise any of its incidents. Absent such jurisdiction, any attempt to proceed in the nature of any form of trial, or to invoke powers ancillary to it, is **unconstitutional.**

Consequently, the respondent puts on record her objection to any requests, motions, or similar efforts aimed at obtaining or "fishing" for supposed evidence through processes that necessarily presuppose the existence of lawful authority and jurisdiction under the Constitution, which in this case, is absent. As timely stated in the Appearance and Consolidated Answer, both made *ad cautelam*, the Respondent does not waive any jurisdictional or other objections she has to these proceedings nor her right to seek the appropriate legal remedies. Nonetheless, she is prepared to meet the charges against her before the proper jurisdiction.

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[5] G.R. No. 160261, November 10, 2003

[6] Francisco vs. House of Representatives, et al., *supra*

FORTUN NARVASA SALAZAR

Very truly yours,

Gregorio T. Narvasa II

Sheila C. Sison

Carlo Joaquin T. Narvasa

David Ronell M. Golla VII

Lindon Miguel C. Bacquel

-and-

Michael Wesley T. Poa